Meeting of the States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction

26 July 2018

English only

2018 Meeting
Geneva, 4-7 December 2018
Meeting of Experts on Assistance, Response and Preparedness

Geneva, 14-15 August 2018
Item 6 of the provisional agenda
Procedures, including the establishment and use of the assistance database, to improve the prompt and efficient response without preconditions to a request of assistance by a State Party under Article VII, and coordination and cooperation among States Parties and with relevant international and regional organizations such as World Health Organization (WHO), World Organisation for Animal Health (OIE), Food and Agriculture Organization (FAO), as appropriate

Provision of assistance to a State Party that has been exposed as a result of a violation of the Convention

Submitted by South Africa

I. Introduction

1. South Africa submitted two papers during the previous intersessional process, as well as the 8th Review Conference in which guidelines for information to be submitted by a State Party requesting assistance in terms of Article VII have been proposed.

2. Although the substantial proposals in the papers have not been discussed during these meetings, a number of States Parties have voiced opposition to the fact that the United Nations Security Council (UNSC) must approve assistance, as directed in Article VII.

3. A number of States Parties supported a view that a State Party (SP) should be able to request assistance privately, without seeking the approval of the UNSC.

4. South Africa believes that it is the right of a State Party to seek assistance privately without obtaining UNSC approval. However, it must be noted that such an action would not be in terms of Article VII and therefore, the obligations of Article VII would not apply.

5. If States Parties want to come to an agreement that an application for assistance, independent of UNSC approval, in terms of Article VII is acceptable, then a number of issues would have to be clarified and decided upon by States Parties.

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II. Application for assistance, independent of Unsc approval, by a State Party that has been exposed as a result of a violation of the Convention

6. An application for assistance, without UNSC approval, by a State Party (SP) who believes it has been exposed to biological weapons raises a number of questions such as:

(a) To whom does the State Party submit its application for assistance? To each State Party individually, to the United Nations (UN) or the Implementation Support Unit (ISU)?

(b) If it is to the UN, to whom in the UN? This would mean that a UN agreement would need to be obtained.

(c) If it is to the ISU, then the ISU would have to be mandated accordingly.

(d) Would the requested States Parties be under obligation to provide assistance or would they provide assistance on a voluntary basis?

(e) Who would coordinate the assistance activities?

(f) What would be the role of the international organisations? What would the relationships be?

III. Information to be supplied

7. South Africa would require information on the following when requested for assistance:

(a) The nature of the situation that requires assistance: Is it a single event or a disease outbreak?

(b) The area in the requesting State Party where assistance is required.

(c) The type of assistance and number of personnel and equipment required.

(d) Reasons why the requesting State Party believes that the event/outbreak is a result of a violation of the Convention.

(e) Confirmation on whether the requesting State Party has notified the UNSC and requested an investigation of alleged use

(f) The arrangements or procedures put in place for health care professionals to conduct their work legally in the requesting State Party.

(g) International organisations that are already involved and the relationships between the participants.

(h) Command and Control and where the team would fit in, including channels of command.

(i) Logistics

- Would the requesting State Party provide transport to its border?
- Transport, accommodation and subsistence to be provided by the requesting State Party.
- How samples would be handled.

(j) A description of the security situation in the requesting State Party and how the safety and security of personnel would be ensured.

(k) The relationships with any forensic or other legal investigations ongoing.

IV. Concluding remarks

8. The list above is not exhaustive and it is accepted that it may be expanded and refined as a result of discussion.

9. South Africa hopes that sufficient time could be found for proper discussion of this paper to help States Parties in the strengthening the implementation of Art VII of the Convention.